

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COLDWELL BANKER REAL
ESTATE CORPORATION,

Plaintiff,

v.

SUMMIT REAL ESTATE GROUP,
LLC, d/b/a COLDWELL BANKER
COMMERICAL GRANGER
GROUP and TODD BRUNST,

Defendants.

Case No. 5:04-CV-104

Hon. Richard Alan Enslen

ORDER

Plaintiff Coldwell Banker Real Estate Corporation has moved for an award of its attorney fees and costs in this breach of contract action after Judgment was previously entered in Plaintiff's favor. Defendants Summit Real Estate Group, LLC and Todd Brunst have failed to oppose the Motion for Attorney Fees. The amount sought, \$37,714.00, is reasonable and represents both costs and attorneys fees that were actually and necessarily incurred in this action. Plaintiff is entitled to the award of attorney fees pursuant to ¶ 6.2 of the Franchise Agreement which was breached. Plaintiff is also entitled to the award of costs pursuant to 28 U.S.C. § 1920.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Coldwell Banker Real Estate Corporation's Motion for Attorney Fees (Dkt. No. 59) is **GRANTED** and the Judgment previously entered against Defendants is **AMENDED** *nunc pro tunc* to include an award of \$37,714.00 in favor of Plaintiff and against Defendants, in addition to the other liability previously imposed.

DATED in Kalamazoo, MI:
January 9, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE